

PB# 95-30

**BENEDICT
LOT LINE CHANGE**

65-1-51.11 & 56.2

95 - 30 Benedict Lot Line Change
Mt. Airy Rd. (Drabick)

Approved 3-15-96

MADE IN U.S.A.
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DATE October 17, 1995 RECEIPT NUMBER 95-30
 RECEIVED FROM Gertrude Benedict
 Address 8 Benedict Lane - New Windsor, N.Y. 12553
One Hundred Fifty 00/100 DOLLARS \$150.00
 FOR Lot Line Charge Escrow

ACCOUNT			HOW PAID		
BEGINNING BALANCE	150	00	CASH		
AMOUNT PAID	150	00	CHECK	#572	
BALANCE DUE	-0	-	MONEY ORDER		

BY A. Zappolo
Myna Mason, Secy to the P.B.

TOWN OF NEW WINDSOR
 555 Union Avenue
 New Windsor, NY 12550

GENERAL RECEIPT

Received of Gertrude Benedict \$ 50.00
Fifty and 00/100 DOLLARS
 For Flaming Boat #95-30 App. Fee

DISTRIBUTION

FUND	CODE	AMOUNT
<u>CR 567</u>		<u>50.00</u>

By

R. Hansen
Town Clerk
 Title

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MADE IN U.S.A.
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DATE March 15, 1996 RECEIPT NUMBER 95-30
 RECEIVED FROM Gertrude Benedict
 Address 449 Morrison Avenue - Englewood, FL 34223
Three Hundred Eight 50/100 DOLLARS \$308.50
 FOR Addition to Escrow for professional fees

ACCOUNT			HOW PAID		
BEGINNING BALANCE	308	50	CASH		
AMOUNT PAID	308	50	CHECK	#583	
BALANCE DUE	-0	-	MONEY ORDER		

BY Jan Pei 3/15/96
Myna Mason, Secy to the P.B.

TOWN OF NEW WINDSOR
 555 Union Avenue

GENERAL RECEIPT

1568

TOWN OF NEW WINDSOR
 555 Union Avenue
 New Windsor, NY 12550

GENERAL RECEIPT

Received of Altitude Benedict \$ 50.00
Twenty and 00/100 DOLLARS

For Planning Board #95-30 (App. Fee)

DISTRIBUTION

FUND	CODE	AMOUNT
CR 567		50.00

By R. Hansen
Town Clerk
 Title

© WILLIAMSON LAW BOOK CO., VICTOR, N.Y. 14564

RECEIPT NUMBER 95-30

DATE March 15, 1996

RECEIVED FROM Gertrude Benedict

Address 449 Morrison Avenue - Englewood, FL 34223

Three Hundred Eight 50/100 DOLLARS \$ 308.50

FOR Addition to Escrow for professional fees.

ACCOUNT		HOW PAID	
BEGINNING BALANCE	308 50	CASH	
AMOUNT PAID	308 50	CHECK	# 583
BALANCE DUE	- 0 -	MONEY ORDER	

Jan 21 3/15/96
 BY Myra Mason, Secy to the P.B.

MADE IN U.S.A.
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TOWN OF NEW WINDSOR
 555 Union Avenue
 New Windsor, NY 12550

GENERAL RECEIPT

Received of Gertrude Benedict \$ 100.00
One Hundred 00/100 DOLLARS

For Planning Board #95-30

DISTRIBUTION

FUND	CODE	AMOUNT
CR #582		100.00

By Dorothy H Hansen
Town Clerk
 Title

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Emy 200 \$312 00

Map Number 132-95 City []
Section 65 Block 1 Lot 51.2 Town [X] Village [] New Windsor

Title: Benedict Pond Estates II
(Lot Line Change)

Dated: 2-21-95 Rev Filed July 27, 1995

Approved by Henry VanLaereuwen
on June 20, 1995

Record Owner Petrone Michael 65-1-51.2

Umat Inc 85-1-13
65-1-51.1 + 56

JOAN A. MACCHI
Orange County Clerk

1 sheet

Map Number 69-96 City N. Windsor
Section 65 Block 1 Lot 51.11 Town N. Windsor
Village N. Windsor

Title: Benedict, Gertrude C.

Dated: 12/7/95 Rev. 4-12-96
Filed

Approved by Edward Stent

on 3-15-96

Record Owner Benedict, Gertrude C. & H. Glenn

(1 Sheet)
* lot line change
JOAN A. MACCHI
Orange County Clerk

Map Number 194-02
Section 65 Block 1 Lot 51.2
City 1 Town 1 Village 1 New Windsor
Title: Benedict Pond Estates II

Dated: 5-16-02 Rev. 9-11-02
Approved by James Bresnan
on 9-10-02
Record Owner SDL Development Corp

DONNA L. BENSON
Orange County Clerk

(2 Sheets)

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 03/15/96

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 95-30

NAME: BENEDICT, GERTRUDE - LOT LINE CHANGE
APPLICANT: BENEDICT, GERTRUDE C.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
10/17/95	REC. CK. #572	PAID		150.00	
10/25/95	P.B. ATTY. FEE	CHG	35.00		
10/25/95	P.B. MINUTES	CHG	58.50		
01/10/96	P.B. ATTY FEE	CHG	35.00		
01/10/96	P.B. MINUTES	CHG	18.00		
02/26/96	P.B. ENGINEER FEES	CHG	312.00		
03/13/96	REC. CK #583	PAID		308.50	
		TOTAL:	458.50	458.50	0.00

1. H. # 45-312-ESCROW

GERTRUDE C. BENEDICT 565-1046
449 MORRISON AVE.
ENGLEWOOD, FL 34223

583
63-905/631
8

Mar. 7 1996

Pay To
The Order Of John J. New Windsor \$ 308.50

Three Hundred Eight 50 Dollars

Barnett Bank 062-008
333 South Indiana Avenue
Englewood, Florida 34223

For Rob Line Change Gertrude C. Benedict

⑆063109058⑆0583 1626609690⑆

~~1. H. # 45-312-ESCROW~~

GERTRUDE C. BENEDICT 565-1046
449 MORRISON AVE.
ENGLEWOOD, FL 34223

582
63-905/631
8

Mar. 7 1996

Pay To
The Order Of John J. New Windsor \$ 100.00

One Hundred 00 Dollars

Barnett Bank 062-008
333 South Indiana Avenue
Englewood, Florida 34223

For Rob Line Change Gertrude C. Benedict

⑆063109058⑆0582 1626609690⑆

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 03/15/96

PAGE: 1

LISTING OF PLANNING BOARD FEES
APPROVAL

FOR PROJECT NUMBER: 95-30

NAME: BENEDICT, GERTRUDE - LOT LINE CHANGE
APPLICANT: BENEDICT, GERTRUDE C.

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
02/26/96	LOT LINE CHANGE APPROVAL FE	CHG	100.00		
03/13/96	REC. CK. #582	PAID		100.00	
		TOTAL:	100.00	100.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 03/15/96

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 95-30

NAME: BENEDICT, GERTRUDE - LOT LINE CHANGE
APPLICANT: BENEDICT, GERTRUDE C.

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
03/15/96	PLANS STAMPED	APPROVED
01/10/96	P.B. APPEARANCE . APPROVED	ND: WVE PH APPROVED
10/25/95	P.B. APPEARANCE . NEED NOTE ON PLAN FOR FURTHER SUBDIVISION AND ACCESS . GET COMMENTS FROM TOWN OF CORNWALL . PUT NOTE ON PLAN RE; MOBILE HOME TO BE REMOVED . '*'	LA: NOTE ON PLAN
08/02/95	WORK SESSION APPEARANCE	REVISE & SUBMIT

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 03/15/96

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 95-30

NAME: BENEDICT, GERTRUDE - LOT LINE CHANGE
APPLICANT: BENEDICT, GERTRUDE C.

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV1	12/20/95	MUNICIPAL HIGHWAY	01/06/96	APPROVED
REV1	12/20/95	MUNICIPAL WATER . THERE IS A NEWLY INSTALLED 12" WATER LINE IN THIS AREA. . THIS WATER LINE IS NOT YET IN EFFECT	01/04/96	APPROVED
REV1	12/20/95	MUNICIPAL SEWER	/ /	
REV1	12/20/95	MUNICIPAL FIRE	01/04/96	APPROVED
ORIG	10/17/95	MUNICIPAL HIGHWAY	12/20/95	SUPERSEDED BY REV1
ORIG	10/17/95	MUNICIPAL WATER	10/20/95	APPROVED
ORIG	10/17/95	MUNICIPAL SEWER	12/20/95	SUPERSEDED BY REV1
ORIG	10/17/95	MUNICIPAL FIRE	10/19/95	APPROVED
ORIG	10/17/95		12/20/95	SUPERSEDED BY REV1
ORIG	10/17/95		12/20/95	SUPERSEDED BY REV1

95-30
2/26/96

LOT LINE CHANGE FEES - TOWN OF NEW WINDSOR

APPLICATION (INCL. LOT LINE CHANGE):

LOT LINE CHANGE APPLICATION FEE

\$ 50.00

ESCROW (\$150.00 - \$400.00)

\$150.00

Pd } 10/17/95
Pd }

APPROVAL FEES: (LOT LINE CHANGE)

PRE-PRELIMINARY PLAT APPROVAL.....\$ 25.00

PRELIMINARY PLAT APPROVAL.....25.00

FINAL APPROVAL.....50.00

TOTAL APPROVAL FEES L.L.CHG.....\$100.00

(A)

THE FOLLOWING CHARGES ARE TO BE DEDUCTED FROM ESCROW:

PLANNING BOARD ENGINEER FEES:\$ 312.00

PLANNING BOARD ATTORNEY FEES:\$ 70.00

MINUTES OF MEETINGS\$ 76.50

OTHER\$

TOTAL TO BE DEDUCTED FROM ESCROW: \$ 458.50

Less Escrow.

150.00

Amount Due:

\$ 308.50

(B)

2/27/96 Called Lois at
Steve Drabick's office
and gave her fee amount.

(C)



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: BENEDICT LOT LINE CHANGE
PROJECT LOCATION: OFF DEAN HILL ROAD AND RILEY ROAD
SECTION 65-BLOCK 1-LOTS 51.11 AND 56.2
PROJECT NUMBER: 95-30
DATE: 10 JANUARY 1996
DESCRIPTION: THE APPLICATION INVOLVES A LOT LINE CHANGE
BETWEEN THE EXISTING PARCELS, INCREASING THE SIZE
OF LOT 51.11 AND RUNNING THE NEW LOT LINE
GENERALLY DOWN THE MIDDLE OF BENEDICT'S POND.
THE PLAN WAS PREVIOUSLY REVIEWED AT THE
25 OCTOBER 1995 PLANNING BOARD MEETING.

1. As the Board may recall, this matter was referred to the Town of Cornwall Planning Board for comment since access to the property is also provided via a private road through the Town of Cornwall. The Cornwall Planning Board reviewed this matter at their regular Board meeting held on 4 December 1995 and, upon review and consideration, took no objection to the proposal. Town Attorney James R. Loeb was to correspond with the New Windsor Board in this regard.
2. The Planning Board should determine if a **Public Hearing** will be necessary for this **minor subdivision (in form of lot line change)**, or if same can be waived per Paragraph 4.B of the Subdivision Regulations.
3. The Planning Board may wish to make a **determination** regarding the type action this project should be classified under SEQRA and make a determination regarding environmental significance.
4. At this time I am aware of no further technical engineering concerns with regard to this proposed lot line change. If the Board is aware of any such concerns, I will be pleased to review same, as deemed necessary by the Board.

Respectfully submitted,

Mark J. Edsall, P.E.
Planning Board Engineer
MJEmk
A:BENEDIC.mk

BENEDICT, GERTRUDE LOT LINE CHANGE (95-30) MT. AIRY ROAD

Mr. Steven Drabick appeared before the board for this proposal.

MR. PETRO: You have been to Cornwall?

MR. DRABICK: Yes, we have.

MR. PETRO: Do your presentation and then I'm going to read, let me read the letter first so we get it in the minutes, we had asked this applicant to go to the Cornwall Planning Board. Dear Board Members, December 6 1995, I'm writing to you at the direction of the planning board of the Town of Cornwall in connection with the proposed lands of Gertrude C. Benedict, you referred that lot line change to the Town of Cornwall Planning Board for it's review and comments. The planning board met with Mr. Drabick, her design professional, at its December meeting. The planning board reviewed the lot lane change and has determined it presents no problem to the Town of Cornwall. The planning board asked me to express its thanks and appreciation to you for requesting input from the Cornwall Planning Board. Very truly yours, James R. Loeb. Now that we have that in the minutes, proceed.

MR. DRABICK: Basically, I was going to say that this first appeared before the board here November. You did send to it Cornwall. We presented it there, being as their private road requirements are virtually the same as the Town of New Windsor, they felt that as a result of this lot line change creating the lot on this side of the lake it was no problem with it using the current right-of-way as it exists to Route 94. Now for that Cornwall meeting the changes that you are looking at now on this plan it's shown some additional information in the Town of Cornwall, just to show where that record right-of-way line for the access from Route 94 to this property exists. There are several filed maps of record and on each of those filed maps, the width of the existing private road there varied from 20 feet to 25 feet and then a little section was wider down by Route 94. In addition, what I have done, what we have

done here also in addition to this is being as there's already a record right-of-way line created in the Town of Cornwall for that, the portion of the travel lane the existing travel way which grants a right-of-way to Mrs. Graham who lives just on the other side of the town line here, what we have done is we have designated an extension, a 50 foot wide extension or a private road across the front of her lot just to clarify as her deed currently reads, she has the right-of-way, use of the existing travel way from her property to Route 94. What I attempted to do here is to simply quantify that and clarify it by designating a specific bounds of the right-of-way across the front of her property.

MR. PETRO: Are any of the new lot lines going to be located too close to any frame buildings or any other buildings on the property that would require variances?

MR. DRABICK: No. The only one on the property--

MR. PETRO: The wood frame building.

MR. DRABICK: --only thing is remains of the mobile home. At the request of the board from the last meeting we did add a note that that is going to be removed within 90 days of approval of the lot line change so that will go.

MR. PETRO: We have highway approval on 1/6/96 and we have fire approval on 1/4/96.

MR. DUBALDI: I don't really see a need to have a public hearing on this. Make a motion we waive public hearing.

MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive public hearing under its discretionary judgment for the Benedict lot line change on Riley Road.

ROLL CALL

MR. STENT AYE
MR. DUBALDI AYE
MR. PETRO AYE

MR. DUBALDI: Mark, SEQRA?

MR. EDSALL: With a lot line change, there's very little impact, so I think you'd be able to adopt a negative dec.

MR. STENT: Motion for negative dec on SEQRA.

MR. DUBALDI: I second the motion.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec for the Benedict lot line change on Riley Road. Is there any further discussion from the board members?

ROLL CALL

MR. STENT AYE
MR. DUBALDI AYE
MR. PETRO AYE

MR. PETRO: I would think we have sent it to Cornwall, they've reviewed it, we have reviewed it to an extent and if you come up with no objection whatsoever--

MR. EDSALL: One question I can ask Steve, the lot I guess it's proposed tax lot 56.1, the one to the east I I guess or west I guess it is that that will not have any use of the private road through Cornwall, correct?

MR. DRABICK: That is correct. The only access actually it has two access points, one off Mt. Airy Road and a small section off Dean Hill Road.

MR. EDSALL: Relative to the properties involved in this application, only the lot on the east side will have benefit of the private road?

MR. DRABICK: That is correct.

MR. EDSALL: That is the basis, Jim, why I wanted to

put that in the minutes. The basis for the lot count that Cornwall did when they indicated they had no objection since our regulations are identical, I just effectively confirmed that the lot count is not exceeded and we'll know in the future that the westerly lot does not have the rights to use this private road as it's approved by this board.

MR. PETRO: So noted. And with that, do we have a motion for approval?

MR. DUBALDI: Make a motion we approve the Benedict lot line change.

MR. STENT: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Benedict lot line change off Dean Hill Road and Riley Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. STENT	AYE
MR. DUBALDI	AYE
MR. PETRO	AYE

DRAKE, SOMMERS, LOEB, TARSHIS & CATANIA, P.C.

ATTORNEYS & COUNSELLORS AT LAW

BERNARD J. SOMMERS
JAMES R. LOEB
RICHARD J. DRAKE
STEVEN L. TARSHIS
JOSEPH A. CATANIA, JR.
RICHARD F. LIBERTH
GLEN L. HELLER
KEVIN T. DOWD

OF COUNSEL
LEE J. JOHNSON (NY & OH BARS)
ELLEN VILLAMIL

WRITER'S DIRECT NO.
(914) 569-4327

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NEWBURGH, NEW YORK 12550
(914) 565-1100

FAX (914) 565-1999
(FAX SERVICE NOT ACCEPTED)

MONROE OFFICE
107 STAGE ROAD
MONROE, NEW YORK 10950
(914) 783-2600

TODD A. KELSON
RICHARD M. MAHON, II (NY & DC BARS)
STEPHEN J. GABA
ADAM L. RODD (NY & CT BARS)
STEVEN I. MILLIGRAM (NY & NJ BARS)
KAREN COLLINS (NY & DC BARS)
SHARON C. FLETCHER
DANIEL J. SCHNEIDER (NY & NJ BARS)
VINCENT G. SACCOMANDO
DENIS E. MCGUINNESS (NY & TX BARS)

December 6, 1995

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

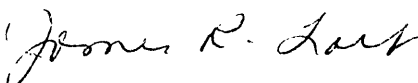
Dear Board Members:

Re: Our File #254.41,522

I am writing to you at the direction of the Planning Board of the Town of Cornwall in connection with the proposed lot line change of lands of Gertrude C. Benedict. You referred that lot line change to the Town of Cornwall Planning Board for its review and comments. The Planning Board met with Ms. Benedict and her design professional, Steven Drabick, at its December meeting. The Planning Board reviewed the lot line change and has determined it presents no problems to the Town of Cornwall.

The Planning Board asked me to express its thanks and appreciation to you for requesting input from the Cornwall Planning Board.

Very truly yours,


JAMES R. LOEB

JRL:ef
125679

cc: ✓ Mark Edsall, P.E.
Steven Drabick, P.L.S.
Planning Board, Town of Cornwall

REGULAR ITEMS:BENEDICT, GERTRUDE LOT LINE CHANGE (95-30) - MT. AIRY ROAD

Mr. Steven Drabick appeared before the board for this proposal.

MR. DRABICK: In 1994, Mrs. Benedict acquired property that was previously conveyed to Omat. The deed, the property that came back to her was described by deed included a metes and bounds description of two parcels of land that entirely surrounded the pond. However, also on that same deed in fact there was an exception that was described as a release back to Omat for two parcels which in effect these parcels were carved out of the entire piece that was supposed to come back to her. All these exchanges had taken place strictly by deed of transfer and to the best of my knowledge, was never any application before this board with regard to any lot line changes involved in these matters. In completing the boundary survey on the parcel, we did in fact confirm that she did receive back two parcels shown on the map here as parcel 1 which is tax lot 65-1-5111, that parcel being slightly less than 2 acres in size and parcel 2, which is the remaining acreage of less than just under 19 acres including the pond, however, with the exception that there were releases back to Omat, she did not get back a portion of the property along the northerly side of the lake and a little sliver on the northwest side of the property actually went to an existing subdivision lot. What they did in effect is eliminate any frontage or access to the property easterly side of the pond to Dean Hill Road. What we're asking for is approval this evening, to take the existing lot line as per that deed between parcel 1 and parcel 2 and relocate it along the natural division line of the pond. What this will do in effect is two important things, one, it eliminates the fact that this parcel one is deeded back to this landlocked parcel. It does not have any direct access via a right-of-way roadway, no public street. And number two, what it does it creates two parcels which are more balanced in size and more importantly, it makes at least one of the two parcels a lot more desirable as

far as marketability and possibly future development. That being the parcel on the west side. This parcel had access to Dean Hill Road also to Mt. Airy Road. The parcel that would be created and left to the east side of the pond in fact now will have access to a public road but it is limited, there's a strip, a 12 1/2 foot strip that runs out to Riley Road and there's a deeded right-of-way which runs in from 94 through the Town of Cornwall and accesses the property right here.

MR. LANDER: Which is how wide?

MR. DRABICK: In the deed description for the right-of-way there's no specific width on it, the right-of-way is described by virtue of the existing travelway.

MR. LANDER: Unpaved travelway?

MR. DRABICK: Right, that is just how the deed reads. There's no set--

MR. LANDER: What you're saying you have a 12 foot right-of-way and an unpaved travelway?

MR. DRABICK: Right.

MR. LANDER: To that parcel?

MR. DABICK: Right, that is the only access that will be to that particular parcel. As it stands now, there is, as it stands now, again parcel one is landlocked and the second parcel as it exists now includes the piece on this side of the lake also however, the lake being a natural barrier creates the same problem that the access to the side is still limited to these two driveways.

MR. LANDER: You have to have more than 12 feet of road frontage.

MR. STENT: Are you going to pick up any on the other side, the lot between one and two by the pond?

MR. DRABICK: There is no road frontage here, no.

MR. PETRO: You have green and blue delineated on the map. Which is the old lot line and which is the new one?

MR. DRABICK: Okay, the green, this green here represents parcel 1 as it exists and the pink is the existing lot line, yellow and green line would be the proposed new location of that pink lot line which what we'd want to do is just add this parcel one to this side of the lake and call that the new parcel one.

MR. STENT: It's all basically landlocked at that point except those two.

MR. DUBALDI: And just to clarify where do you intend your access to be for parcel number one?

MR. DRABICK: Parcel number one would be served by the access it currently has which is that right-of-way, the 12 1/2 foot strip.

MR. DUBALDI: The untraveled right-of-way?

MR. DRABICK: Right, that is what's there now and that is all that exists or will exist even with the lot line in place and again, the idea here is this existing totally as parcel number 2 makes it very undesirable because the situation exists.

MR. DUBALDI: So the access is going to be through the Town of Cornwall actually?

MR. DRABICK: That is correct. Well, the majority of the access through it.

MR. STENT: How wide is that?

MR. PETRO: He doesn't know.

MR. DRABICK: The deed describes the point that it runs into the Town of New Windsor simply as the bounds of the unpaved travelway.

MR. LANDER: You're going to need frontage here

someplace, I mean we can't, I don't know how you can even have a lot line change without the road frontage somewhere, whether it be in the Town of Cornwall, well, has this gone to the Town of Cornwall yet?

MR. DRABICK: No, it hasn't.

MR. EDSALL: They are increasing the road frontage from zero to 12.52, I mean the bottom line is they are providing a lot that has no frontage and no access, increasing it in size and providing it with very little road frontage but something and as well access.

MR. LANDER: When was this subdivided? Do we have a date on this subdivision?

MR. DRABICK: The subdivision map was filed May 22, 1989. Now, the piece that was conveyed off of this parcel along the north side of the lake was done strictly through deed, there was no filed map, there was no lot line change proceeding strictly done by deed and it was done at the time that the property was reacquired and the way it was done, it was kind of slipped in, it was done as a release to the property that was being reacquired.

MR. PETRO: It looks like you're making a bad situation somewhat better. But I would want to take this stance and I agree with Ron a hundred percent and I would concede to Mark or the attorney, I don't want the planning board to be held at a ransom down the road in the effect that being we're granting this lot line change, if we so do that, this possibly now can be subdivided parcel can now be subdivided or developed with the 12 1/2 foot access, okay, which is the width of a driveway or less. We are in no way going to endorse that with this lot line change and I think a note should be put on the plan to that effect. Do you understand what I am saying and Mark do you understand?

MR. EDSALL: I do.

MR. DRABICK: Right.

MR. PETRO: If you come back eight months from now, you

let us make the lot line change now we have to put houses here, no, that is not the case, you follow me? Unless you can show the board we have a 30 foot, whatever it is required access and road frontage we'll look at it at that time that is fine but we're not going to endorse this for further development by allowing the lot line change.

MR. DRABICK: That is completely understandable. As a matter of fact, my feeling was that basically the zoning would prohibit any kind of subdivision taking place on that remaining parcel because of that lake road frontage.

MR. KRIEGER: That is right now. But the problem is suppose the zoning changes, that happens periodically and then somebody, not you, but somebody down the road comes in and says oh gee, well, the zoning changed, I was looking at the map, I noticed I have this big hunk of property here that the zoning now allows me size wise to develop. The chairman's comment is you need something on the map to prevent some such future person at such some future time from coming in and bringing the map and saying you have already, the planning board has already granted me permission, I should be exempt from road frontage requirements because that permission was given somehow in this granting. The planning board has no control over whether there will be subsequent rezoning in this area or not, they just want to make sure even if there's, the door is still closed unless--

MR. EDSALL: I'm just asking a question of Andy cause Mike was commenting on whether or not the lot would be eligible for a building permit because of the access problems and the lack of let's say usable width frontage, I guess the question comes down to which is the elementary question, if you have something that was created without Town of New Windsor approval meaning parcel 1, which is the lot without any frontage, does that, is that considered pre-existing nonconforming or does it need a variance when it was created without any town approval because you obviously aren't increasing the non-conformance but the non-conformance was created without anyone's approval so that is a question for Andy.

MR. KRIEGER: Then you have the question of whether or not it was created prior to zoning or not.

MR. BABCOCK: We know it was created by deed.

MR. EDSALL: 1989 by deed that is when Mike asked me the question that came up, as a question I wanted to pass over to you.

MR. KRIEGER: If zoning is in effect, where zoning is in effect, you cannot unilaterally create it by deed.

MR. PETRO: Let's put it this way, Mark, answer it this way, if we should and the board looks upon this and grants the lot line change, there's no grandfathering, it's all a brand new application, and he is going to have to come back in again Mark, you follow what I am saying?

MR. EDSALL: What we are getting at is coming back to Mike's question, can they get a building permit because this is not a pre-existing condition, that was continuing, it was a condition created without approval. This noncompliance was created without approval or variance.

MR. KRIEGER: It won't be pre-existing non-conforming use if it was created in 1989.

MR. BABCOCK: This lot requires 70 foot of frontage. Doesn't have it.

MR. LANDER: So they are going to need a variance for 58 feet.

MR. KRIEGER: Simply be a note on the map indicating that so they don't later on make an argument, won't necessarily be made here, might be made in Supreme Court that the planning board--

MR. PETRO: So we'll need a variance for 58 feet once we create the new lot line change, any prior non-conformity that was made is no longer existing. This is going to be brand new. In other words, 1995,

and they'll need 58 foot variance.

MR. BABCOCK: You don't think that that variance should be sought now before this is approved or not?

MR. LANDER: Absolutely sure.

MR. DUBALDI: Makes sense.

MR. PETRO: Well, let me ask you this. If the variance is not approved then we would say well, we're not going to grant any lot line change and we're worse off than we were before. At least now he can get in there with his own vehicle and pick up garbage or something.

MR. BABCOCK: I'm just suggesting, really doesn't matter to me, just that it requires 70 feet of road frontage.

MR. PETRO: As long as the board protects itself, I want a note on the map. Obviously, now it's in the minutes quite thoroughly that this is not in any way implying that we grant a building permit. You follow me?

MR. LANDER: Yeah, but we got 12 feet here that is going into the Town of Cornwall, Town of Cornwall hasn't even seen it, they might not go for it.

MR. PETRO: That is not the 12 feet that he is showing that we're talking about, I'm considering that as non-existing, I'm considering the 12 1/2 feet in New Windsor onto Riley Road up in the right-hand corner.

MR. DUBALDI: Your access goes into Cornwall both times.

MR. PETRO: I thought you said one was in New Windsor.

MR. EDSALL: The strip is in New Windsor but the access is on frontage against the portion of Riley Road in the Town of Cornwall.

MR. LANDER: We have to let Cornwall look at that.

MR. LANDER: See if they want to allow that road frontage, we don't even have road frontage in New Windsor.

MR. BABCOCK: Maybe Mr. Drabick can answer, does this lot have legal right-of-way over these unpaved travel ways? I mean, if they don't have a right to use it, I don't think you can count it is what I am trying to say.

MR. DRABICK: Parcel 2 which exists now and includes this portion on this sides of the pond does have a legal right-of-way across this strip to 94.

MR. DUBALDI: In the Town of Cornwall?

MR. DRABICK: Yeah, well from 94 through the Town of Cornwall through this parcel in New Windsor.

MR. DUBALDI: But it has no road frontage in the Town of New Windsor.

MR. DRABICK: No, that is correct.

MR. LANDER: That is what I am saying, Cornwall should be looking at this.

MR. STENT: That part of Riley Road is in Cornwall.

MR. BABCOCK: You can have road frontage in another town. We have done that, Mountain Vista partially in New Windsor, partially in Cornwall.

MR. LANDER: I'm only one member, I think you have to have more than 12 1/2 feet of road frontage.

MR. BABCOCK: Requirement is 70.

MR. LANDER: I mean just because we have a landlocked piece that was done by deed, not by subdivision, by deed, I'm not going to go for it but I'm only one member.

MR. STENT: Jimmy said put it on the map, that locks it, they can't do nothing else with it anyway.

MR. KRIEGER: The reason for putting it on the map somebody might not find it out the minutes, they might not look, but it's there on the map.

MR. LANDER: Well, I don't think we should vote on anything until Cornwall has a say in this.

MR. DUBALDI: I agree with Ron.

MR. DRABICK: Okay, just to reiterate a point again, the other facet of this lot line change is this condition exists now as part of that parcel 2 and as a whole because of this, it makes the whole parcel undesirable, nobody's really interested in this piece, if they got a deal with all this over here, again, our intention was to accept this, we know this is a problem piece, probably always will be a problem piece but in doing this lot line change, we're at least allowing her to do something with this side of her property.

MR. BABCOCK: Is this the intention to build a, build a home on this lot one?

MR. DRABICK: You mean based on this lot line change?

MR. BABCOCK: Yes.

MR. DRABICK: At this time, no.

MR. LANDER: With the lot line change we still create a lot and you still can get a building permit.

MR. BABCOCK: I won't issue a building permit for one house there.

MR. PETRO: That is why I want it on the map that no building can be done or no further subdivision. Another question what would prevent, cause this lot number one that is going to be created, parcel one.

MR. DRABICK: This would all be parcel one.

MR. PETRO: It's going to be a very undesirable lot. What's going to prevent someone from letting this go

for taxes then you have the prime lot that we just created, that is another problem I see. In other words, you're going to create the good lot which will be parcel number 2.

MR. STENT: Then lot one would be landlocked and a person just possibly could walk away and let the town take it back.

MR. EDSALL: Jimmy, I think one of the questions if it's referred to Cornwall should be and having worked with Cornwall on their side of the town line, I'm aware of those private roads that are there, I think the question you'd want to get back formally an answer on from Cornwall is whether or not they believe they would take objection to a building permit being issued on what's called parcel one and using that private road that runs through Cornwall. Their private law is identical in many respects to yours. I believe the private road is maxed out but being that it is a pre-existing private road, I don't believe they'd have objection to an existing lot use the private road. But I'm sure they would recommend to this board not allowing any subdivision or creating of new lots because that road is maxed out to my knowledge.

MR. PETRO: That makes a little sense, if you can go to Cornwall and get that, if so, we can put it in the files to allow for one home to be built, make that house, that with the variance for New Windsor, if Cornwall says we can travel over the 12 1/2 foot use it as a private driveway.

MR. BABCOCK: It supplies you with access but does not supply you with road frontage.

MR. LANDER: Still don't have road frontage in New Windsor.

MR. KRIEGER: You have access in the Town of Cornwall.

MR. EDSALL: Well again, it depends something that Mike may want to talk to the ZBA about an interpretation on because in fact there's 110 foot of frontage on what's called an unpaved travelway which may in fact be by

definition a private road, just happens.

MR. BABCOCK: Who owns that square, that rectangle that is 110 by 50?

MR. DRABICK: That we have shown it on the plan as proposed designated bounds of the right-of-way just to cover the lot that exists there, that is owned by Graham, she doesn't have any, her deed reads the same with regard to the use of that right-of-way as our piece, existing over the limits of the unpaved travelway as it now exists and what we're doing here is just creating a legal record right-of-way line for that parcel in the Town of New Windsor.

MR. BABCOCK: Would that rectangle that is 110 by 50 Mr. Chairman if the Town of Cornwall has got that as a private road, he would then have road frontage.

MR. DUBALDI: Where does this lead to?

MR. EDSALL: To Route 94, it goes to Route 94 next to the church that had the fire in that area.

MR. STENT: Motion to take lead agency, send it down to Cornwall.

MR. PETRO: There's one other question Mark, Andy really brought it up, the line that is going through the pond, in other words, what about a negative dec, we're creating a lot line possibly through a pond.

MR. EDSALL: I don't believe that lot line has any physical impact, you know, it's purely a boundary of property ownership so I would not see any problem with it, personally.

MR. PETRO: Let's do what Mr. Stent suggested, let's take lead agency and then what we'll do from there we'll ask you to go to Cornwall, get some input from them, see what they say.

MR. BABCOCK: Mr. Chairman, one thing I think you ought to discuss is this mobile home with the frame addition, remains of, I'm not sure what the situation is going to

be with that.

MR. DRABICK: It's unoccupied, it's sitting there now, it hasn't been occupied for some time.

MR. PETRO: You think the owner would mind moving it?

MR. DRABICK: We can put a note to be removed.

MR. PETRO: Yes, to be removed within a period of time if the plan should be stamped for approval.

MR. LANDER: So you really don't need road frontage in New Windsor?

MR. BABCOCK: No, we have several subdivisions that you know are in the town right now, Mountain Vista on Bethlehem Road by Gould's, you have to go into Cornwall, up a Cornwall town road, off the town road onto New Windsor private road.

MR. EDSALL: Portion of the private road is in Cornwall, then you hit the town line and the private road is in New Windsor and the deal that Cornwall and New Windsor came to the review of the subdivision is that they'd look at the total number of lots on the private road notwithstanding whether they were in, since the laws are identical.

MR. LANDER: Well now, that is true, the one on Jackson Avenue, Sue April's subdivision.

MR. EDSALL: That is Mountain Vista.

MR. BABCOCK: There's one on Moffat Road in the Town of Blooming Grove, Quality Homes subdivision.

MR. PETRO: I'm in favor of, and Andy and you are talking about this maybe if there's leniency from Cornwall to let a single family home built on this lot therefore giving the lot some merit and value by doing that obviously the person who owns it won't just let it go for taxes and be a burden to the town, county or to the town, everyone follow that and agree with that, that it's a point to be taken when we hear back from

Cornwall.

(Whereupon, Mr. VanLeeuwen entered the room.)

MR. LANDER: Why don't you bring Henry up to speed on what we have here.

MR. VAN LEEUWEN: I know the property.

MR. PETRO: Let's take lead agency because we're not going to solve anything with this.

MR. DUBALDI: I second Mr. Stent's motion.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency on the Benedict lot line change on Riley Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. STENT	AYE
MR. LANDER	AYE
MR. DUBALDI	AYE
MR. PETRO	AYE
MR. VAN LEEUWEN	ABSTAIN

MR. PETRO: Mr. Drabick, please go visit the Town of Cornwall, get some form of a letter or any notes that they may require on the plan so we can further review it at another meeting, okay? Thank you.

MR. DRABICK: Thank you



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.
JAMES M. FARR, P.E.

- ☐ **Main Office**
45 Quassaick Ave. (Route 9W)
New Windsor, New York 12553
(914) 562-8640
- ☐ **Branch Office**
507 Broad Street
Milford, Pennsylvania 18337
(717) 296-2765

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: BENEDICT LOT LINE CHANGE
PROJECT LOCATION: OFF DEAN HILL ROAD AND RILEY ROAD
SECTION 65 - BLOCK 1 - LOTS 51.11 AND 56.1
PROJECT NUMBER: 95-30
DATE: 25 OCTOBER 1995
DESCRIPTION: THE APPLICATION INVOLVES A LOT LINE CHANGE BETWEEN THE EXISTING PARCELS, INCREASING THE SIZE OF LOT 51.11 AND RUNNING THE NEW LOT LINE GENERALLY DOWN THE MIDDLE OF BENEDICT'S POND. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. The properties are located within the R-3 Zoning District of the Town. The required bulk information shown on the plan appears correct for the zone and use. Each lot appears to comply with the minimum bulk requirements. It should be noted that Lot 51.11 currently appears to be "land locked", having no frontage. As a result of this lot line change, that lot would appear to be obtaining a small amount of road frontage on Riley Road, as well as an apparent right-of-way which runs thru lands in the adjoining Town of Cornwall.

The Board may wish to discuss the history of these lots, as well as the proposed layout and potential future development.

2. The Planning Board may wish to assume the position of **Lead Agency** under the SEQRA process.
3. The Planning Board should determine if a **Public Hearing** will be necessary for this **minor subdivision** (in form of lot line change), or if same can be waived per Paragraph 4.B of the Subdivision Regulations.

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

REVIEW NAME: BENEDICT LOT LINE CHANGE
PROJECT LOCATION: OFF DEAN HILL ROAD AND RILEY ROAD
SECTION 65 - BLOCK 1 - LOTS 51.11 AND 56.1
PROJECT NUMBER: 95-30
DATE: 25 OCTOBER 1995

Page Two

4. At such time that the Planning Board has made further review of this application, **further engineering reviews** and comments will be made, as deemed necessary by the Board.

Respectfully submitted,



Mark J. Edsall, P.E.
Planning Board Engineer

MJesh

A:bened.sh

P.B. #95-30 ESCROW

565-1046
GERTRUDE C. BENEDICT 6-93
8 BENEDICT LA
NEW WINDSOR, NY 12553

50-693/219

572

Oct 15 1995

PAY TO THE
ORDER OF

John J. deBenedictis \$ 150.00
One Hundred Fifty ²⁰/₁₀₀ DOLLARS



Key Bank of New York
Route 32
Vails Gate, NY 12584
Vails Gate Office

302

MEMO

Escrow

Gertrude C. Benedict

⑆021906934⑆ 323020004822⑈ 0572

P.B. #95-30 Application Fee

565-1046
GERTRUDE C. BENEDICT 6-93
8 BENEDICT LA
NEW WINDSOR, NY 12553

50-693/219

567

Oct. 11 1995

PAY TO THE
ORDER OF

John J. deBenedictis \$ 50.00
Fifty ²⁰/₁₀₀ DOLLARS



Key Bank of New York
Route 32
Vails Gate, NY 12584
Vails Gate Office

302

MEMO

Retiree Application Fee

Gertrude C. Benedict

⑆021906934⑆ 323020004822⑈ 0567



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 95-30

DATE PLAN RECEIVED: RECEIVED DEC 20 1995

The maps and plans for the Site Approval ✓
Subdivision _____ as submitted by
_____ for the building or subdivision of
_____ has been
reviewed by me and is approved ✓,
disapproved _____.

If disapproved, please list reason _____

W. James Sullivan 1/6/96
HIGHWAY SUPERINTENDENT DATE

WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 95-30

DATE PLAN RECEIVED: RECEIVED DEC 20 1995

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

_____ for the building or subdivision of
Gertrude Benedict _____ has been

reviewed by me and is approved ☒ _____,

~~disapproved~~ _____.

~~If disapproved, please list reason~~ _____

There is a newly installed 12" water
line in this area - This water line is not
yet in effect.

HIGHWAY SUPERINTENDENT _____ DATE _____

Stan D'Amico 1-4-96
WATER SUPERINTENDENT _____ DATE _____

SANITARY SUPERINTENDENT _____ DATE _____



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 95 - 30

DATE PLAN RECEIVED: RECEIVED OCT 17 1995

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

_____ for the building or subdivision of

Gertrude C. Benedict has been

reviewed by me and is approved L

disapproved

~~If disapproved, please list reason~~

Town water is not available in this area
as yet -

HIGHWAY SUPERINTENDENT DATE

John D. D'Amico 10-20-95
WATER SUPERINTENDENT DATE

SANITARY SUPERINTENDENT DATE



TOWN OF NEW WINDSOR

95-30

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

"XX"

APPLICATION TO:
TOWN OF NEW WINDSOR PLANNING BOARD

17 TYPE OF APPLICATION (check appropriate item):

Subdivision _____ Lot Line Chg. X Site Plan _____ Spec. Permit _____

1. Name of Project PROPOSED LOT LINE CHANGE LANDS OF GERTRUDE C. BENEDICT

2. Name of Applicant GERTRUDE C. BENEDICT Phone 914-565-1046

Address 8 BENEDICT LANE NEW WINDSOR, NY 12553
(Street No. & Name) (Post Office) (State) (zip)

3. Owner of Record GERTRUDE C. BENEDICT Phone 914-565-1046

Address 8 BENEDICT LANE NEW WINDSOR, NY 12553
(Street No. & Name) (Post Office) (State) (zip)

4. Person Preparing Plan STEVEN P. DRABICK, P.L.S.

Address P O BOX 539 CORNWALL, NY 12518
(Street No. & Name) (Post Office) (State) (zip)

5. Attorney _____ Phone _____

Address _____
(Street No. & Name) (Post Office) (State) (zip)

6. Person to be notified to represent applicant at Planning
Board Meeting STEVEN P. DRABICK Phone 914-534-2208
(Name)

7. Project Location: On the EASTERLY side of MT. AIRY ROAD
(street)
1,200 feet NORTHERLY of NEW YORK STATE ROUTE 94
(direction) (street)

8. Project Data: Acreage of Parcel 52.7 Zone R-3,
School Dist. CORNWALL

9. Is this property within an Agricultural District containing
a farm operation or within 500 feet of a farm operation
located in an Agricultural District? Y _____ N X

If you answer "yes" to question 9, please complete the
attached Agricultural Data Statement.

10. Tax Map Designation: Section 65 Block 1 Lot 51.11/56.1
11. General Description of Project: PROPOSED LOT LINE CHANGE TO PROVIDE
ACCESS TO LOT 51.11 TO A PUBLIC ROAD.

12. Has the Zoning Board of Appeals granted any variances for this property? yes X no.

13. Has a Special Permit previously been granted for this property? yes X no.

ACKNOWLEDGEMENT:

If this acknowledgement is completed by anyone other than the property owner, a separate notarized statement from the owner must be submitted, authorizing this application.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application and supporting documents and drawings are true and accurate to the best of his/her knowledge and/or belief. The applicant further acknowledges responsibility to the Town for all fees and costs associated with the review of this application.

Sworn before me this

15 day of Oct. 1995

Gertrude A. Benedict
Applicant's Signature

Augustine J. Christian
Notary **AUGUSTINE J. CHRISTIAN**
NOTARY PUBLIC STATE OF NEW YORK
COMMISSION EXPIRES JAN 31, 1996

TOWN USE ONLY:

RECEIVED OCT 17 1995
Date Application Received

95 - 30
Application Number

"XX"

APPLICANT'S PROXY STATEMENT
(for professional representation)

for submittal to the
TOWN OF NEW WINDSOR PLANNING BOARD

GERTRUDE C. BENEDICT, deposes and says that he
(Applicant)

resides at 8 BENEDICT LANE, NEW WINDSOR, NY 12553
(Applicant's Address)

in the County of ORANGE

and State of NEW YORK

and that he is the applicant for the PROPOSED LOT LINE CHANGE OF

LANDS OF GERTRUDE C. BENEDICT

(Project Name and Description)

which is the premises described in the foregoing application and

that he has authorized STEVEN P. DRABICK, P.L.S.

(Professional Representative)

to make the foregoing application as described therein.

Date: Oct. 15, 1995

Gertrude C. Benedict
(Owner's Signature)
Stephen P. Drabick
(Witness Signature)

AUGUSTE L. CHRISTIAN
SHERIFF OF ORANGE COUNTY, NEW YORK
MY COMMISSION EXPIRES JAN. 31, 1996

THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF
THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT
AND/OR OWNER AT THE MEETINGS.

95 - 30

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR GERTRUDE C. BENEDICT		2. PROJECT NAME LOT LINE CHANGE LANDS OF GERTRUDE C. BENEDICT	
3. PROJECT LOCATION: Municipality T/O NEW WINDSOR County ORANGE			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) ON THE EASTERLY SIDE OF MT. AIRY ROAD 1200' NORTHERLY OF NEW YORK STATE ROUTE 94.			
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: LOT LINE CHANGE TO PROVIDE ACCESS TO LOT 51.11 TO A PUBLIC ROAD.			
7. AMOUNT OF LAND AFFECTED: Initially <u>52.7</u> acres Ultimately <u>52.7</u> acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals T/O NEW WINDSOR PLANNING BOARD APPROVAL			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: <u>GERTRUDE C. BENEDICT</u>		Date: <u>10/11/95</u>	
Signature: <u>X Gertrude C. Benedict</u>			

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

95-30

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly: 	
D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:	
_____ Name of Lead Agency	
_____ Print or Type Name of Responsible Officer in Lead Agency	_____ Title of Responsible Officer
_____ Signature of Responsible Officer in Lead Agency	_____ Signature of Preparer (if different from responsible officer)
_____ Date	

If Applicable "XX"

TOWN OF NEW WINDSOR PLANNING BOARD
SUBDIVISION/LOT LINE CHANGE CHECKLIST

I. The following items shall be submitted with a COMPLETED Planning Board Application Form.

1. ☒ Environmental Assessment Statement
- *2. ☒ Proxy Statement
3. ☒ Application Fees
4. ☒ Completed Checklist


II. The following checklist items shall be incorporated on the Subdivision Plat prior to consideration of being placed on the Planning Board Agenda.

1. ☒ Name and address of Applicant.
- *2. ☒ Name and address of Owner.
3. ☒ Subdivision name and location.
4. ☒ Tax Map Data (Section-Block-Lot).
5. ☒ Location Map at a scale of 1" = 2,000 ft.
6. ☒ Zoning table showing what is required in the particular zone and what applicant is proposing.
7. ☒ Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
8. ☒ Date of plat preparation and/or date of any plat revisions.
9. ☒ Scale the plat is drawn to and North Arrow.
10. ☒ Designation (in title) if submitted as Sketch Plan, Preliminary Plan or Final Plan.
11. ☒ Surveyor's certification.
12. ☒ Surveyor's seal and signature.

*If applicable.

13. ✓ Name of adjoining owners.
14. _____ Wetlands and 100 foot buffer zone with an appropriate note regarding D.E.C. requirements.
- *15. _____ Flood land boundaries.
16. _____ A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.
17. ✓ Final metes and bounds.
18. ✓ Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street.
19. ✓ Include existing or proposed easements.
20. _____ Right-of-Way widths.
21. _____ Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
22. ✓ Lot area (in square feet for each lot less than 2 acres).
23. ✓ Number the lots including residual lot.
24. ✓ Show any existing waterways.
- *25. _____ A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
26. _____ Applicable note pertaining to owners' review and concurrence with plat together with owners' signature.
27. _____ Show any existing or proposed improvements, i.e., drainage systems, waterlines, sewerlines, etc. (including location, size and depths).
28. _____ Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.

*If applicable.

29. _____ Show all and proposed on-site "septic" system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.
30. _____ Provide "septic" system design notes as required by the Town of New Windsor.
31. _____ Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
32. _____ Indicate percentage and direction of grade.
33.  _____ Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
34. _____ Provide 4" wide x 2" high box in area of title block (preferably lower right corner) for use by Planning Board in affixing Stamp of Approval.
35. _____ Indicate location of street or area lighting (if required).

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, "IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

36. _____ Referral to Orange County Planning Dept. required for all applicants filing AD Statement.
37. _____ A Disclosure Statement, in the form set below must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

"Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors."

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The plat for the proposed subdivision has been prepared in accordance with this checklist and the Town of New Windsor Ordinances, to the best of my knowledge.

By: 
Licensed Professional

Date: 10/17/95

RESULTS OF P.B. MEETING

DATE: October 25, 1975

PROJECT NAME: Benedict L.L. Chg. PROJECT NUMBER 95-30

LEAD AGENCY: (V) 1 Abstar * NEGATIVE DEC:

M) 5 S) 1 VOTE: A 4 N 0 * M) S) VOTE: A N

CARRIED: YES ✓ NO * CARRIED: YES: NO

PUBLIC HEARING: M) S) VOTE: A N

WAIVED: YES NO

SEND TO OR. CO. PLANNING: M) S) VOTE: A N YES NO

SEND TO DEPT. OF TRANSPORT: M) S) VOTE: A N YES NO

DISAPP: REFER TO Z.B.A.: M) S) VOTE: A N YES NO

RETURN TO WORK SHOP: YES NO

APPROVAL:

M) S) VOTE: A N APPROVED:

M) S) VOTE: A N APPR. CONDITIONALLY:

NEED NEW PLANS: YES NO

DISCUSSION/APPROVAL CONDITIONS:

Put a note on plan re: Subdivision in the future
needs better access.

Get comments from the town of Concord

Put note on plan that mobile home to be removed

DATE: January 10, 1996

* * * * *

* CARRIED: YES: ✓ NO

* * * * *

DISCUSSION/APPROVAL CONDITIONS: _____



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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Milford, Pennsylvania 18337
(717) 296-2765

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF New Windsor P/B # 95 - 30

WORK SESSION DATE: 2 Aug 1995

APPLICANT RESUB.
REQUIRED: Yes

REAPPEARANCE AT W/S REQUESTED: No

PROJECT NAME: Benedict 4

PROJECT STATUS: NEW _____ OLD _____

REPRESENTATIVE PRESENT: Steve Probst

MUNIC REPS PRESENT: BLDG INSP. VAC
FIRE INSP. Bob
ENGINEER X
PLANNER _____
P/B CHMN. _____
OTHER (Specify) _____

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

will make bill bulk table
and show exist non-compl.

4MJE91 pbwsform

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board
FROM: Town Fire Inspector
DATE: 19 October 1995
SUBJECT: Benedict Lot Line Change

Planning Board Reference Number: PB-95-30
Dated: 17 October 1995
Fire Prevention Reference Number: FPS-95-050

A review of the above referenced subject lot line change was conducted on 19 October 1995.

This lot line change is acceptable.

Plans Dated: 17 July 1995


Robert F. Rodgers, C.C.A. (mvz)
Fire Inspector

RFR/mvz



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF NEW WINDSOR P/B # 95 - 30

WORK SESSION DATE: 1 Nov 95 APPLICANT RESUB.
REQUIRED: Later

REAPPEARANCE AT W/S REQUESTED: Not Now

PROJECT NAME: Benedict - going to Tc

PROJECT STATUS: NEW X OLD

REPRESENTATIVE PRESENT: Steve Drabick

MUNIC REPS PRESENT: BLDG INSP. X
FIRE INSP. +
ENGINEER X
PLANNER
P/B CHMN.
OTHER (Specify)

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- Return from Tc re clarify what being sent there for by N/W P/B
- Recommend future access to future lot.
- Open Q-@ N/W re legal status of small parcel
- N/W's referral letter
- Steve get new plans w/ road names.

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 04 January 1996

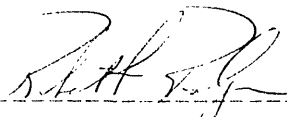
SUBJECT: Benedict Lot Line Change

Planning Board Reference Number: PB-⁹⁵96-30
Dated: 20 December 1996
Fire Prevention Reference Number: FPS- 96-004

A review of the above referenced subject lot line change was conducted on 4 January 1996.

This lot line change is acceptable.

Plans Dated 7 December 1995, Review 2



Robert F. Rodgers, C.C.A.
Fire Inspector

RFR/dh

EC01894

"XX"

95 - 30

ATTACHMENTS

- A. Flood Hazard Area Development Permit Application Form.
- B. Certificate of Compliance ☒

PLEASE NOTE: IF PROPERTY IS NOT IN A FLOOD ZONE, PLEASE INDICATE THAT ON THIS FORM AND SIGN YOUR NAME. RETURN FORM WITH PLANNING BOARD APPLICATION.

IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE COMPLETE THE ATTACHED (LEGAL SIZE) PAPERS AND RETURN WITH PLANNING BOARD APPLICATION.

*PROPERTY IS NOT LOCATED IN
A FLOOD ZONE.*

[Signature]

10/17/95